

## REMARKS

Claim 24-27 have been canceled without prejudice, thereby rendering moot the rejections of these claims. New claim 28 has been added. Claim 18 has been amended. Claims 18, 20-23 and 28 are pending.

Claims 18-27 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of various U.S. Patents. In response, even though Applicant does not agree with these rejections, Applicant will submit a terminal disclaimer after the other substantive rejections have been overcome.

### USP 5,249,592 to Springer et al. ("Springer")

Claims 18-22 and 24-26 stand rejected under 35 USC 102(b) as being anticipated by Springer. This rejection is respectfully traversed.

Independent claim 18 has been amended to recite that the frame retaining sleeves are separate from each other, and that each sleeve retains most of the length of the respective frame member. In contrast, the elements 36 in Springer cannot correspond to the claimed "sleeves" because (i) the elements 36 are spring connectors, and not sleeves, and (ii) these elements 36 cannot retain most of the length of the frame members 32, 34. In addition, the frame members 32, 34 in Springer are not retained in separate sleeves. This is best illustrated in FIG. 5 of Springer.

Thus, claim 18, and claims 20-23 and 28 depending therefrom, are allowable over Springer.

### USP 5,038,812 to Norman ("Norman")

Claims 18-27 stand rejected under 35 USC 102(b) as being anticipated by Norman. This rejection is respectfully traversed.

Independent claim 18 has been amended to add the recitation "when the structure is in the deployed configuration" to the limitation reciting the relationship between the side member and the base member. The Examiner contends that:

"by laying one member 102 on the floor, the structure is then comprised of a side member (102) and base member (102 member on floor). The terms "side" and "base" being relative depending on the positioning of the entire structure."

Thus, by adding the recitation "when the structure is in the deployed configuration", claim 18 now provides a definition of the "positioning of the entire structure" as it relates to the limitations for the side member and the base member. In this regard, the structures in Norman would be inoperable if one were to lay one of the members 102 on the floor as a

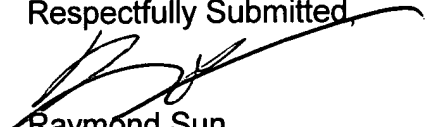
base member. In other words, when the structures in Norman are "in the deployed configuration", there are no base members, and there can be no base members if these structures are to be functional.

Thus, claim 18, and claims 20-23 and 28 depending therefrom, are allowable over Norman.

\* \* \*

In light of the above, it is respectfully submitted that all pending claims are in condition for allowance. The Examiner is encouraged to phone the undersigned if there are informal matters that can be resolved in a phone conversation or by Examiner's Amendment.

Respectfully Submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: January 21, 2005

By:



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